



VAF

**FEE TRANSMITTAL FOR FY 2006**

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**TOTAL AMOUNT OF PAYMENT (\$)** 0

Complete if Known:

Application No. 09/963,246  
Filing Date September 26, 2001  
First Named Inventor F. William Daugherty  
Examiner Name Jeffrey D. Carlson  
Art Unit 3622  
Attorney Docket No. 006560.P016

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☒ None ☐ Other (please identify)☒ Deposit AccountDeposit Account Number: 02-2666

Deposit Account Name: \_\_\_\_\_

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☐ Charge fee(s) indicated below.☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☐ Charge fee(s) indicated below except for the filing fee☒ Credit any overpayments.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity		Small Entity		Fee Description		Fees Paid (\$)
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1011	300	2011	150	Utility application filing fee	1,000/500	_____
1111	500	2111	250	Utility search fee		_____
1311	200	2311	100	Utility examination fee		_____
1012	200	2012	100	Design application filing fee	430/215	_____
1112	100	2112	50	Design search fee		_____
1312	130	2312	65	Design examination fee		_____
1013	200	2013	100	Plant filing fee	660/330	_____
1113	300	2113	150	Plant search fee		_____
1313	160	2313	80	Plant examination fee		_____
1004	300	2004	150	Reissue filing fee	1,400/700	_____
1114	500	2114	250	Reissue search fee		_____
1314	600	2314	300	Reissue examination fee		_____
1005	200	2005	100	Provisional application filing fee		_____
SUBTOTAL (1) \$						<u>0</u>

**2. EXCESS CLAIM FEES**

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
<b>Total Claims</b> _____ <b>- 20 or HP =</b> _____		X <u>\$50.00</u>	= _____
HP = highest number of total claims paid for, if greater than 20			
<b>Independent Claims</b> _____ <b>- 3 or HP =</b> _____		X <u>\$200.00</u>	= _____
HP = highest number of independent claims paid for, if greater than 3			
<b>Multiple Dependent Claims</b>			= <u>0</u>

<u>Large Entity</u>		<u>Small Entity</u>		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>
1202	50	2202	25	Each claim over 20
1201	200	2201	100	Each independent claim over 3
1203	360	2203	180	Multiple dependent claims, if not paid
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent

SUBTOTAL (2) \$ 0**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
<u>N/A</u>	- 100 = _____	/ 50 = _____ (round up to whole number)	X <u>\$250.00</u>	<u>0</u>

<u>Large Entity</u>		<u>Small Entity</u>		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

**Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):**

SUBTOTAL (3) \$ 0

**FEE CALCULATION (continued)****4. OTHER FEE(S)**

				<u>Fees Paid (\$)</u>
Non-English Specification, \$130 fee (no small entity discount)				
<u>Large Entity</u>		<u>Small Entity</u>		
Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	<u>Fee Description</u>
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1813	8,800	1813	8,800	Request for inter parties reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,590	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	500	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	500	2452	250	Petition to revive - unavoidable
1453	1,500	2453	750	Petition to revive - unintentional
1501	1,400	2501	700	Utility issue fee (or reissue)
1502	800	2502	400	Design issue fee
1503	1100	2503	550	Plant issue fee
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))
1814	130	2814	65	Statutory Disclaimer
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))
1801	790	2801	395	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.
1505	300	1505	300	Publication fee for republication
1803	130	1803	130	Request for voluntary publication or republication
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority
Other fee (specify) _____				
Other fee (specify) _____				
<b>SUBTOTAL (4) \$</b>				<b>0</b>

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Jennifer Hayes

Signature: [Signature] Date: November 20, 2006

Reg. Number: 50,845 Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



AMENDMENT TRANSMITTAL

PATENT

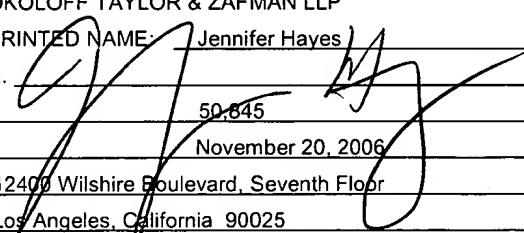
Application No.: 09/963,246  
Filing Date: September 26, 2001  
First Named Inventor: F. William Daugherty  
Examiner's Name: Jeffrey D. Carlson  
Art Unit: 3622  
Attorney Docket No.: 006560.P016

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).


ATTACHMENTS

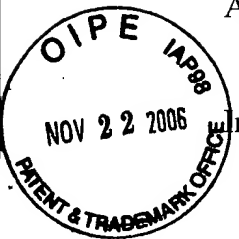
- ☐ Preliminary Amendment
- ☐ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☒ Other: Response to Non-Compliant Appeal Brief (2 pgs.) and Amended Appeal Brief (30 pgs)
- ☐ Other: \_\_\_\_\_
- ☐ Check(s)
- ☒ Postcard (Return Receipt)

SUBMITTED BY:

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TYPED OR PRINTED NAME: Jennifer Hayes  
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CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on November 20, 2006  
Date of Deposit  
Ariana C. Bates  
Name of Person Mailing Correspondence  
 November 20, 2006  
Signature Date  
Express Mail Label No. (if applicable): N/A



Attorney's Docket No.: 006560.P016

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

F. William Daugherty, et al.

Application No: 09/963,246

Filed: September 26, 2001

For: SYSTEM AND METHOD FOR  
FACILITATING INFORMATION  
REQUESTS

)  
)  
) Examiner: Jeffrey D. Carlson

) Art Unit: 3622

Mail Stop – Appeal Briefs  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF  
IN SUPPORT OF APPELLANT'S APPEAL  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant hereby submits this Amended Brief in support of his/her appeal from a final decision by the Examiner, mailed on March 9, 2006, in the above-referenced case. The Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-referenced patent application.

First-Class Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231 on:

November 20, 2006

Date of Deposit

Ariana C. Bates

Name of Person Mailing Correspondence

*Ariana C. Bates*  
Signature

*November 20, 2006*  
Date

Serial No. 09/963,246  
Examiner: Jeffrey D. Carlson

1

APPEAL BRIEF  
Art Unit: 3622

## TABLE OF CONTENTS

	<u>Page</u>
I. REAL PARTY IN INTEREST .....	4
II. RELATED APPEALS AND INTERFERENCES .....	4
III. STATUS OF THE CLAIMS.....	4
IV. STATUS OF AMENDMENTS.....	4
V. SUMMARY OF THE CLAIMED SUBJECT MATTER.....	4
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL .....	7
VII. ARGUMENT .....	8
A. CLAIMS 1-20 AND 26 .....	8
1. REJECTION OF THE PRESENT INVENTION IS IMPROPER BECAUSE NO PRIOR ART REFERENCE TEACHES OR SUGGESTS PROVIDING INFORMATION BASED ON A SELECTABLE DELIVERY OPTION IN AN ADVERTISEMENT AND USER INPUT THAT DIFFERS WITH THE SELECTED DELIVERY OPTION.....	8
2. REJECTION OF THE PRESENT INVENTION IS IMPROPER BECAUSE THERE IS NO MOTIVATION TO COMBINE THE CITED ART TO ARRIVE AT THE CLAIMED INVENTION .....	12
B. CLAIMS 21-25 AND 27 .....	14
1. REJECTION OF THE PRESENT INVENTION IS IMPROPER BECAUSE NO PRIOR ART REFERENCE TEACHES OR SUGGESTS PROVIDING AN INDICATION OF A SELECTION OF A SELECTABLE DELIVERY OPTION IN AN ADVERTISEMENT AND USER INPUT THAT DIFFERS WITH THE SELECTED DELIVERY OPTION.....	14
2. REJECTION OF THE PRESENT INVENTION IS IMPROPER BECAUSE THERE IS NO MOTIVATION TO COMBINE THE CITED ART TO ARRIVE AT THE CLAIMED INVENTION .....	15
VIII. CONCLUSION .....	17

IX. APPENDIX A ..... 19

X. APPENDIX B: RELATED PROCEEDINGS ..... 29

XI. APPENDIX C: EVIDENCE..... 30

## **I. REAL PARTY IN INTEREST**

The real party in interest is IAC Search & Media, Inc., a corporation of Delaware having a principle place of business at 555 12th Street, Suite 500, Oakland, CA 94607.

## **II. RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

## **III. STATUS OF THE CLAIMS**

Claims 1-27 are currently pending and stand rejected by the Examiner under the Final Rejection mailed on March 9, 2006.

## **IV. STATUS OF AMENDMENTS**

No amendment after final was filed. A copy of all claims on appeal is attached in Appendix A hereto.

## **V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

Embodiments of the claimed invention include systems, methods and articles of manufacture that provide a user several choices as to additional sources of information and provide a personalize response based on a user's selection. (See page 1, lines 27-31 of the present specification.)

## Claims 1-20 and 26

An advertisement is served having a plurality of associated selectable options. Each of the selectable options is associated with a different information delivery process, such as, for example, email, mail and/or a link. Other exemplary options for providing the additional information to the user include special deal, but now, deliver now, download now, stream/see/listen now, make a reservation and the like. A user selects one of these selectable options, and additional information is received from the user depending on which of the selectable options is selected by the user. The additional information requested is then sent using the process selected by the user using the information provided by the user. (See page 4, line22 – page 6, line 13 and Figures 2 and 3 of the present specification.)

As shown in the embodiment illustrated in Figure 2 and discussed above, exemplary selectable options in an advertisement include “show more information,” “email more information” and “send more information.” The user selects one of these (or other) options, and the input required from the user depends on which option is selected. For example, if the user selects “email more information,” the server must have an e-mail address to which the information can be emailed. Thus, the input received from the user is an email address. In contrast, if, for example, the user selects “send more information,” the server typically needs a home address to which the information can be sent. Thus, the input received from the user is a home address, which differs from an email

address. It is clear that the input needed from the user differs depending on the option selected in the advertisement. (See page 4, line22 – page 6, line 13 and Figures 2 and 3 of the present specification.)

The information can then be delivered to the user as indicated by the user selection using the input received after the selection. (See page 6, lines 14-24 of the present specification.)

#### Claims 21-25 and 27

An object is displayed on a website having a plurality of associated selectable options. Each of the selectable options is associated with a different information delivery process, such as, for example, email, mail and/or a link. Other exemplary options for providing the additional information to the user include special deal, but now, deliver now, download now, stream/see/listen now, make a reservation and the like. A user selects one of these selectable options, and additional information is received from the user depending on which of the selectable options is selected by the user. The additional information requested is then sent using the process selected by the user using the information provided by the user. (See page 4, line22 – page 6, line 13 and Figures 2 and 3 of the present specification.)

As shown in the embodiment illustrated in Figure 2 and discussed above, exemplary selectable options in an advertisement include “show more information,” “email more information” and “send more information.” The user

selects one of these (or other) options, and the input required from the user depends on which option is selected. For example, if the user selects "email more information," the server must have an e-mail address to which the information can be emailed. Thus, the input received from the user is an email address. In contrast, if, for example, the user selects "send more information," the server typically needs a home address to which the information can be sent. Thus, the input received from the user is a home address, which differs from an email address. It is clear that the input needed from the user differs depending on the option selected in the advertisement. (See page 4, line 22 – page 6, line 13 and Figures 2 and 3 of the present specification.)

The user selection generates information that may be of interest to third parties, such as, advertisers. For example, it is of interest to advertisers to know which displays produced requests for more information, email, brochures, and which categories of users made which requests, etc. A tracking system can monitor the activity and provide the information to a third party or another web site. (See page 6, lines 25-30 of the present specification.)

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The grounds of rejection to be revealed on appeal are:

- ♦ Whether claims 1-20 and 26 are unpatentable under 35 U.S.C. § 103 as being obvious over Davis, et al. (U.S. Patent No. 6,138,155, hereinafter "Davis") in view of Marsh, et al. (U.S. Patent No. 5,848,397, hereinafter "Marsh").

- ♦ Whether claims 21-25 and 27 are unpatentable under 35 U.S.C. § 103 as being obvious over Davis in view of Marsh.

## VII. ARGUMENT

### A. CLAIMS 1-20 AND 26

1. REJECTION OF THE PRESENT INVENTION IS IMPROPER BECAUSE NO PRIOR ART REFERENCE TEACHES OR SUGGESTS PROVIDING INFORMATION BASED ON A SELECTABLE DELIVERY OPTION IN AN ADVERTISEMENT AND USER INPUT THAT DIFFERS WITH THE SELECTED DELIVERY OPTION.

Independent claim 1 recites:

1. A method for providing information to a user accessing a World Wide Web site, comprising:
  - (i) serving an advertisement associated with a first World Wide Web site, *wherein said advertisement has a plurality of associated selectable options that are displayed when said advertisement is displayed, further wherein each of said plurality of selectable options has an associated information delivery process, wherein the associated information delivery process differs for each of said plurality of selectable options;*
  - (ii) receiving an indication of a selection of said one plurality of selectable options associated with said advertisement;
  - (iii) receiving an input from the user identifying where the information is to be sent, *the input differing depending on the selection made in (ii);* and
  - (iv) providing information associated with said advertisement via said information delivery process associated with the selected one of said plurality of selectable options.

Similar limitations are included in independent claims 17 and 26.

Independent claims 1, 17 and 26 are rejected as being unpatentable over

Davis in view of Marsh.

Davis is directed to a system and method for monitoring and profiling users based on their interaction with a system. The system creates a complex historical user profile to target an ad banner based upon the diverse interests of respective users. Davis explains that when a user is exposed to an ad banner having information targeted to their particular interests, the user is more likely to interact with that ad banner for a longer period of time and on a more frequent basis.

Davis further explains that an ad banner may include specific information permitting the user to interact in different ways with the banner. Davis explains that an ad banner may have pull-down menu options, clickable buttons or “hot-spots, keyboard input, or any number of input mechanisms, whose selection or action upon in a designated manner causes corresponding events to take place in the ad banner such as the generation or synthesis of sounds, the display of images, video, or graphic animations, or the presentation of different types of information to the user, perhaps with additional choices. Such information may, for example, include links to interactive games, links to entertainment information sports-related information and/or trivia, and the like, or information concerning particular goods and services, or means by which to order or purchase specific goods and services.

Davis does not disclose that any of these input mechanisms are associated with an information delivery process that differs for each selectable option.

Similarly, Davis does not disclose that input from the user is received identifying where information is to be sent.

Moreover, Davis does not disclose that the input entered depends on which selectable option is selected by the user.

The Examiner submits Marsh discloses an ad banner that allows users to request for information to the email of the banner-associated vendor and submits that it would be obvious to have provided several convenient options for delivery of information through well known communication channels, each of which would require different types of information in order for fulfillment based on this teaching. Applicants respectfully disagree.

Marsh is directed to a system and method for scheduling advertisement displays. One such advertisement is a banner advertisement, which may be interactive. The user may be provided with additional information concerning the subject matter of the banner by clicking on a specified portion of the banner advertisement. Marsh discloses that: "Likewise, the user may access an e-mail message template including the e-mail address of a vendor associated with the banner advertisement being displayed" or cause an e-mail message to be automatically completed.

However, the user in Marsh has no control over how the information is delivered to the user. The user does not have more than one selectable option having differing delivery processes.

The only method described in Marsh for requesting additional information is e-mail. And, the input from the user does not depend on the selection made for requesting additional information because only one selection can be made in Marsh: e-mail.

Moreover, the system in Marsh is off-line. Marsh teaches that it presents advertisements only when the system is off-line or when a connection is being made to the system. See Col. 6, line 66 – col. 7, line 6.

The Examiner submits that Marsh's teaching for requesting information by email would motivate one to offer other well known delivery options, such as by telephone, postal mail, fax, etc., in order to offer a variety of convenient information, and that both David and Marsh teach plural interactive elements on a banner. Applicants respectfully disagree.

The interactive elements in Davis do not have an information delivery process associated with the interactive elements that requires different input from the user. In particular, receiving sound, videos, etc. do not require any input from the user.

The only delivery option contemplated by Marsh is email. Neither Davis nor Marsh disclose sending information to a user by telephone, postal mail, fax, etc. Thus, Marsh and Davis fail to disclose differing information delivery processes that would require different user input.

Thus, neither Davis, Marsh nor any other reference cited by the Examiner teaches or suggests providing information based on a selectable delivery option in an advertisement and user input that differs with the selected delivery option.

2. *REJECTION OF THE PRESENT INVENTION IS IMPROPER BECAUSE THERE IS NO MOTIVATION TO COMBINE THE CITED ART TO ARRIVE AT THE CLAIMED INVENTION*

The Examiner submits that “The obviousness rejection set forth would provide for plural interaction options on the banner ad, each of which corresponds to ‘learn more via telephone’ and ‘learn more via postal mail’ in addition to ‘learn more via email’ option. Clearly each of these requires different types of information in order for fulfillment.”

Applicants respectfully submit the Examiner is using impermissible hindsight, based on Applicant’s own disclosure, to combine Davis and Marsh to arrive at the presently claimed invention.

As discussed above, Marsh is directed to a system and method for scheduling displays of advertisements. The banner ads in Marsh are presented to users, and the user’s interaction with the ad banners can be tracked to gain additional information about the banner ad. The information acquired by the system in Marsh is used to schedule and target future banner ads to the user.

Davis provides a method and apparatus for tracking client interaction with a network so that targeted information can be sent to particular users based on their interests and preferences. An ad banner can then be targeted to each user

based on the tracking information. By providing the user with several options the system can also be used to obtain additional user preferences.

Thus, both Davis and Marsh relate to tracking user information. In Marsh, the information is tracked to gain additional information about user preferences so that subsequent advertisements can be better targeted. Thus, in Davis and Marsh, the system is guessing the user's preferences based on their previous interactions with the system.

In contrast, the present invention specifically provides the user several choices as to additional sources of information. The user can choose to obtain the information at once, by email or by conventional delivery services. Whatever the choice, the invention is able to provide personalized responses to the user based on the user's choice in the advertisement. Thus, the website operator is able to provide the user the information that the user wants because the user selects the type of information they want to receive and how they would like to receive it by selecting an option presented in the advertisement. This can be accomplished without tracking previous interaction by the user with the system or knowing user preferences.

Thus, there is no motivation to combine the cited art to arrive at the claimed invention. In particular, there is no motivation to combine the cited art to arrive at providing information based on a selectable delivery option in an advertisement and user input that differs with the selected delivery option or providing an

indication of a selection of a selectable delivery option in an advertisement and user input that differs with the selected delivery option.

**B. CLAIMS 21-25 AND 27**

1. REJECTION OF THE PRESENT INVENTION IS IMPROPER BECAUSE NO PRIOR ART REFERENCE TEACHES OR SUGGESTS PROVIDING AN INDICATION OF A SELECTION OF A SELECTABLE DELIVERY OPTION IN AN ADVERTISEMENT AND USER INPUT THAT DIFFERS WITH THE SELECTED DELIVERY OPTION.

Independent claim 21 recites:

21. A method for facilitating delivery of third party information to a visitor of a World Wide Web site, comprising:
  - (i) displaying a displayable item on a World Wide Web site, *wherein said displayable item is associated with a third party and has a plurality of associated selectable options, further wherein each of said plurality of selectable options has an associated information delivery process, wherein the associated information delivery process differs for each of said plurality of selectable options;*
  - (ii) receiving an indication of a selection of one of said plurality of selectable options associated with said displayable item;
  - (iii) receiving an input from the user identifying where the information is to be sent, *the input differing depending on the selection made in (ii);* and
  - (iv) providing an indication of said selection to said third party.

Similar limitations are included in independent claims 25 and 27.

Independent claims 21, 25 and 27 are rejected as being unpatentable over Davis in view of Marsh.

As described above with reference to independent claim 1, neither Davis nor Marsh disclose receiving user input that differs depending on a selection of a selectable option, each option associated with a different delivery process.

Thus, neither Davis, Marsh nor any other reference cited by the Examiner teaches or suggests providing an indication of a selection of a selectable delivery option in an advertisement and user input that differs with the selected delivery option.

2. *REJECTION OF THE PRESENT INVENTION IS  
IMPROPER BECAUSE THERE IS NO MOTIVATION TO  
COMBINE THE CITED ART TO ARRIVE AT THE  
CLAIMED INVENTION*

The Examiner submits that “The obviousness rejection set forth would provide for plural interaction options on the banner ad, each of which corresponds to ‘learn more via telephone’ and ‘learn more via postal mail’ in addition to ‘learn more via email’ option. Clearly each of these requires different types of information in order for fulfillment.”

Applicants respectfully submit the Examiner is using impermissible hindsight, based on Applicant’s own disclosure, to combine Davis and Marsh to arrive at the presently claimed invention.

As discussed above, Marsh is directed to a system and method for scheduling displays of advertisements. The banner ads in Marsh are presented to users, and the user’s interaction with the ad banners can be tracked to gain

additional information about the banner ad. The information acquired by the system in Marsh is used to schedule and target future banner ads to the user.

Davis provides a method and apparatus for tracking client interaction with a network so that targeted information can be sent to particular users based on their interests and preferences. An ad banner can then be targeted to each user based on the tracking information. By providing the user with several options the system can also be used to obtain additional user preferences.

Thus, both Davis and Marsh relate to tracking user information. In Marsh, the information is tracked to gain additional information about user preferences so that subsequent advertisements can be better targeted. Thus, in Davis and Marsh, the system is guessing the user's preferences based on their previous interactions with the system.

In contrast, the present invention specifically provides the user several choices as to additional sources of information. The user can choose to obtain the information at once, by email or by conventional delivery services. Whatever the choice, the invention is able to provide personalized responses to the user based on the user's choice in the advertisement. Thus, the website operator is able to provide the user the information that the user wants because the user selects the type of information they want to receive and how they would like to receive it by selecting an option presented in the advertisement. This can be accomplished without tracking previous interaction by the user with the system or knowing user preferences.

Thus, there is no motivation to combine the cited art to arrive at the claimed invention. In particular, there is no motivation to combine the cited art to arrive at providing information based on a selectable delivery option in an advertisement and user input that differs with the selected delivery option or providing an indication of a selection of a selectable delivery option in an advertisement and user input that differs with the selected delivery option.

### **VIII. CONCLUSION**

For the foregoing reasons, Appellant respectfully asserts that Claims 1-27 overcome the cited references and are therefore patentable. Those dependent claims not specifically addressed are deemed allowable in view of their dependency from an independent claim as argued above in addition to adding further limitations of their own. For the reasons presented herein, the removal of the present rejections and allowance of the present claims is respectfully requested.

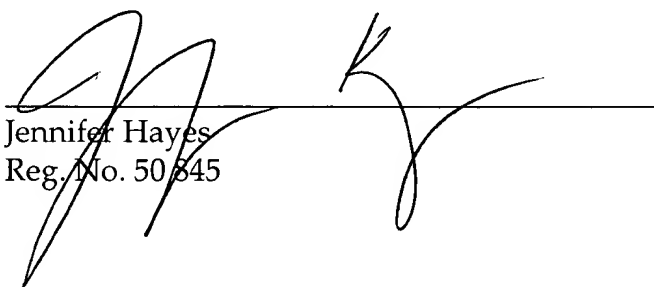
Charge Our Deposit Account

If there are any further charges not accounted for herein, please charge them to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: November 20, 2006

  
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## IX. APPENDIX A

The claims on appeal including the amendment mailed by the Appellant on December 12, 2005 read as follows:

1. (Previously presented) A method for providing information to a user accessing a World Wide Web site, comprising:
  - (i) serving an advertisement associated with a first World Wide Web site, wherein said advertisement has a plurality of associated selectable options that are displayed when said advertisement is displayed, further wherein each of said plurality of selectable options has an associated information delivery process, wherein the associated information delivery process differs for each of said plurality of selectable options;
  - (ii) receiving an indication of a selection of said one plurality of selectable options associated with said advertisement;
  - (iii) receiving an input from the user identifying where the information is to be sent, the input differing depending on the selection made in (ii); and
  - (iv) providing information associated with said advertisement via said information delivery process associated with the selected one of said plurality of selectable options.

2. (Original) The method of claim 1, wherein said advertisement has at least one subject matter topic associated with it and said information is directed at least in part to said subject matter topic.
3. (Original) The method of claim 1, further comprising:
  - receiving an indication of personal information used during said providing information associated with said advertisement via said information delivery process.
4. (Original) The method of claim 1, where said providing information associated with said advertisement via said information delivery process includes at least one of the following:
  - redirecting a browser to a second World Wide Web site containing said information;
  - providing a hyperlink to a second World Wide Web site, wherein said second World Wide Web site contains said information;
  - emailing said information;
  - providing an indication that said information will be provided in an email message;
  - serving said information as part of a new advertisement associated with said first World Wide Web site;
  - serving said information as part of said World Wide Web site;

facsimileing said information; and

mailing said information to a postal address.

5. (Original) The method of claim 1, wherein said indication of a selection of said selectable option associated with said advertisement is received from a user accessing said first World Wide Web site and further comprising:
  - determining personal information associated with said user.
6. (Original) The method of claim 5, further comprising:
  - providing at least a portion of said personal information associated with said user to a third party.
7. (Original) The method of claim 5, wherein said information delivery process is based at least in part on said personal information.
8. (Original) The method of claim 5, wherein said personal information includes at least one of the following:
  - an email address;
  - a postal address;
  - an age;
  - a telephone number;
  - a facsimile number;

a user preference;  
a credit card number; and  
a user identifier.

9. (Original) The method of claim 5, wherein said determining personal information associated with said user includes:  
  
receiving an indication of said personal information associated with said user.
10. (Original) The method of claim 1, further comprising:  
  
providing an indication of said selection of said selectable option to a third party.
11. (Original) The method of claim 1, wherein said information associated with said advertisement includes a notice that additional information will be provided by a third party.
12. (Original) The method of claim 1, wherein said information associated with said advertisement includes a request for consent to receive additional information.

13. (Original) The method of claim 11, further comprising:  
receiving an indication of a consent to receive said additional information.
14. (Original) The method of claim 11, further comprising:  
providing said additional information.
15. (Original) The method of claim 11, further comprising:  
providing a notice that said additional information will be provided by a third party.
16. (Original) The method of claim 11, wherein said information associated with said advertisement includes a request for consent to receive additional information and a notice that said additional information will be provided by a third party.
17. (Previously presented) A method for providing information to a user accessing a World Wide Web site, comprising:  
(i) serving a displayable item associated with a World Wide Web site, wherein said displayable item has at least two associated selectable options and each of said two selectable options has a different associated information delivery process;

(ii) receiving an indication of a selected one of said at least two selectable options;

(iii) receiving an input from the user identifying where the information is to be sent, the input differing depending on the selection made in (ii); and

(iv) providing the information associated with said displayable item via said information delivery process associated with said selected one of said at least two selectable options.

18. (Original) The method of claim 17, wherein each of said at least two associated selectable options has a different information delivery process associated with it.
19. (Original) The method of claim 17, wherein said displayable item includes an advertisement.
20. (Original) The method of claim 17, wherein said displayable item includes at least one of the following:
- an image;
  - a hyperlink associated with at least one of said two selectable options;
  - a banner;

a button; and

a badge.

21. (Previously presented) A method for facilitating delivery of third party information to a visitor of a World Wide Web site, comprising:

(i) displaying a displayable item on a World Wide Web site, wherein said displayable item is associated with a third party and has a plurality of associated selectable options, further wherein each of said plurality of selectable options has an associated information delivery process, wherein the associated information delivery process differs for each of said plurality of selectable options;

(ii) receiving an indication of a selection of one of said plurality of selectable options associated with said displayable item;

(iii) receiving an input from the user identifying where the information is to be sent, the input differing depending on the selection made in (ii); and

(iv) providing an indication of said selection to said third party.

22. (Original) The method of claim 21, further comprising:

providing an indication of said information delivery process to said third party.

23. (Original) The method of claim 21, further comprising:
- providing contact information to said third party for use in said information delivery process.
24. (Original) The method of claim 23, wherein said contact information includes at least one of the following:
- an email address;
- a postal address;
- a telephone number;
- a facsimile number;
- a user preference;
- a credit card number; and
- a user identifier.
25. (Previously presented) A method for facilitating information transfer to a user accessing a World Wide Web site, comprising:
- (i) displaying a displayable item associated with a first World Wide Web site, wherein said displayable item has a plurality of associated selectable options, further wherein each of said plurality of selectable options has an associated information delivery process, and wherein the associated information delivery process differs for each of said plurality of selectable options;

(ii) receiving an indication of a selection of one of said plurality of selectable options associated with said displayable item;

(iii) receiving an input from the user identifying where the information is to be sent, the input differing depending on the selection made in (ii); and

(iv) providing an indication of said selection to a second World Wide Web site.

26. (Previously presented) A system for providing information, comprising:
- means for distributing an advertisement associated with a World Wide Web site, wherein said advertisement has a plurality of associated selectable options that are displayed when said advertisement is displayed, further wherein each of said plurality of selectable options has an associated information delivery process, and wherein the associated information delivery process differs for each of said plurality of selectable options;
  - means for detecting an indication of a selection of one of said plurality of selectable options associated with said advertisement;
  - means for receiving an input from the user identifying where the information is to be sent, the input differing depending on the selection made; and

means for transmitting information associated with said advertisement via said information delivery process associated with the selected one of said plurality of selectable options.

27. (Previously presented) An article of manufacture, comprising:

computer program means for distributing a displayable item associated with a World Wide Web site, wherein said displayable item has at least two associated selectable options and each of said two selectable options has a different associated information delivery process;

computer program means for detecting an indication of a selected one of said at least two selectable options;

computer program means for receiving an input from the user identifying where the information is to be sent, the input differing depending on the selection made; and

computer program means for transmitting information associated with said displayable item via said information delivery process associated with said selected one of said at least two selectable options.

**X. APPENDIX B: RELATED PROCEEDINGS**

None

**XI. APPENDIX C: EVIDENCE**

None